SUPREME COURT, U.S.

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Supreme Court of the United States

OCTOBER TERM, 1953

No. 57

GEORGE LEWIS DICKINSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

APPENDIX
TO BRIEF FOR PETITIONER

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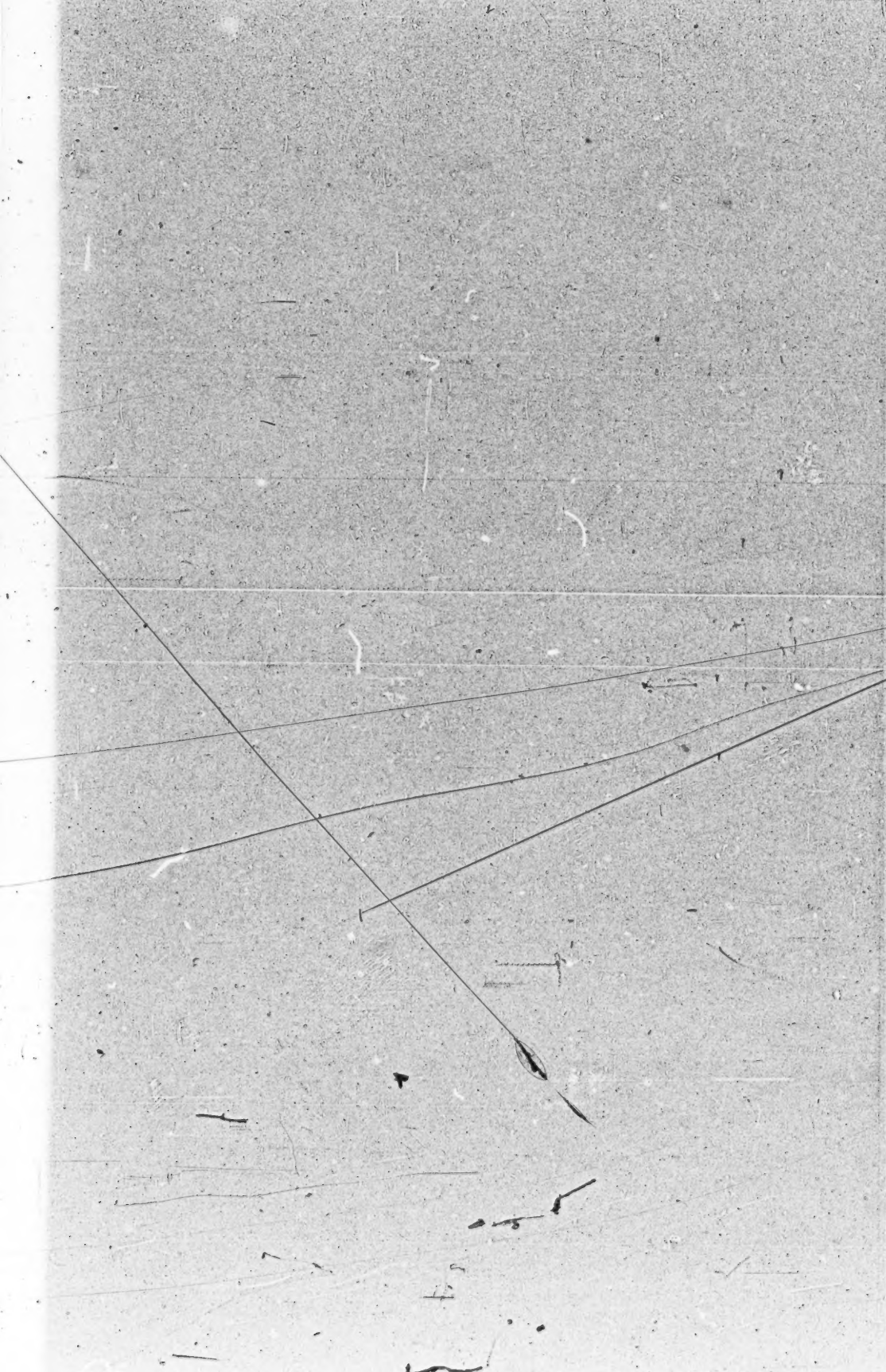

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ON PETITION FOR WRIT OF CERTIORARI
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APPENDIX
TO BRIEF FOR PETITIONER

I. EXCERPTS FROM CONGRESSIONAL HEARINGS ON THE 1940 ACT.

Letter from Congressman Martin J. Kennedy to House Committee on Military Affairs

HOUSE OF REPRESENTATIVES,
Washington, D. C., August 7, 1940.

MILITARY AFFAIRS COMMITTEE,
House of Representatives.

GENTLEMEN: To me it seems imperative that action be taken by your committee to insure that the Wadsworth bill

be so modified as to make due provision for the religious life of the American people. As you know the sole provision of the bill in this matter is the President's right to defer the service rendered by ministers of religion actually engaged in ministerial duties. No provision is made for those who are preparing for the ministry: seminarians. Nor is any provision made for those indispensable members of a religious community, whose duties it is to attend to the domestic work of the religious house—the coadjutor brothers. These men make it possible for priests to attend to their proper work.

To me it seems clear that the good of the American people requires that all these classes—clergymen, seminarians, and Brothers—be exempted from service under the bill.

Many reasons why this statement is true must occur to your mind; let me mention those which seem of weight to me. I shall not offer arguments which might appeal to my coreligionists, but such as must weigh with every thoughtful American.

It is evident to intelligent observers that religion is the backbone of all moral conduct; religion supports authority, teaching respect for law and order. Principles derived from religious moral teaching make the average man an honest man, a law-abiding citizen. Teaching, for example, that God forbids murder under threat of eternal punishment, religious instructors have proposed a motive for avoiding this crime far in excess of any which the state can assign or carry out; and so also of all other crimes. It is, therefore, good public policy to provide for the continued and flourishing existence of religion; I do not, of course, suggest any link with any particular form of religion but an even-handed dealing with all religious bodies.

Religion is one of the needs and demands of the American people. In fact, the bill under discussion may be said to recognize this need since it makes some effort to provide for religious ministers. The precise point is that the provision of this bill in this respect is not adequate.

Granted that religious ministers are to receive some consideration under this bill, consistency and thoroughness require that this consideration (1) amount to total exemption from training and service, and (2) be extended not only to ministers already ordained, but also to the two groups mentioned above, seminarians and Brothers.

Let me take the three points that here suggest themselves in order:

1. Total exemption of ordained clergymen.
2. Total exemption of seminarians.
3. Total exemption of Brothers.

1. Total exemption of ordained clergymen. The American people enjoy the right to exercise freely their right to worship. To do this adequately, each religious group requires and desires that it be possessed of a group of trained religious educators and leaders known as the clergy. The principle, therefore, that each man should serve where he will do the most good and best further his country's interests in time of war requires that in time of war the clergy remain clergy. That is their specialty. There they are most efficient. There they are most needed. It is a well-known adage that "without hope the people perish." And truly this is especially manifest in time of war when the buoyant and hopeful solution of life given by religion alone suffices to lift up fainting spirits.

2. Total exemption of seminarians. The public need for a properly trained clergy already described is a permanent thing, lasting as long as there endures the ineradicable tendency in man toward higher things. To satisfy this permanent need, a continuous stream of trained religious leaders must be entering upon their work. This cannot be if we do not permit our seminaries to continue their normal functioning. For where are we to find our future ministers of religion if not in seminaries? It must be clear that if you take away the seminaries of today you take away the priest, minister, or rabbi of tomorrow. And whether the morrow bring peace or war, we can ill afford to lack

spiritual leaders, be they chaplains to encourage and befriend our soldiers or be they pastors who instruct and serve our people.

But it may be objected that there is no intention under the bill of destroying the seminarian class, that all that is required is a temporary interruption of the course pursued by the seminarian. To this objection, let me answer, first, that such an interruption of a full year in the midst of a course of study which of its nature is continuous and closely linked would be an immense set-back in the progress of the seminarian toward his goal. Secondly, and this response is more basic, the objection misses the whole point at issue. That point is precisely this: The seminarian is destined to serve the people as a clergyman, whether in peace or in war. Hence any training of him for other work is a needless waste of time and money.

The measure to be taken, therefore, is one recognizing the principle that an adequate clergy group is a really fundamental necessity in time of war and hence, parallelly, an adequate seminarian group is a real necessity in time of preparation. No bona fide seminarian should be shunted off the course he has entered upon and drafted into some other field of public service, thus deserting the line for which he is best adapted.

This leads us to another seeming objection to my proposal, which, in fact however, has no weight. That is the objection that spurious seminaries and seminarians will suddenly appear all over the country in order that conscription be evaded. Even if some less spirited youths might be tempted to try this ruse, is it not clear that a little careful examination of each institution will quickly reveal which are genuine seminaries containing sincere seminarians and which are so-called seminarians containing opportunists? For, surely, it is a matter of public record in each locality which seminaries have been in existence for a term of years before the war scare sufficient to prove that avoidance of military service had nought to do with

their existence. Again, the records of these seminaries will reveal the average number of entrees each year. Only if the number this year notably exceed that of recent years may suspicion be cast on the genuine good intentions of those entering this year.

3. Total exemption of Brothers. We may distinguish two types of Brothers; viz: those who directly serve the people at large for example by teaching, and those who do so indirectly, namely by directly serving priests or other religious who in turn serve the people directly. I contend that both classes should be totally exempted from military service and training. This exemption is due to the first class—those who serve the people at large directly—because their functions are necessary both in peace and war. Let us consider the offices performed by the second group a little more closely. These men do the manual work necessary in religious communities and institutions. Their ministrations, given freely, are absolutely necessary, if the priests are to be free to attend to their special work. Hence, the arguments which prove the need of clergy prove likewise the need of these relatively few, but very important members of religious communities. They also ought, therefore, to be exempted.

I hope my suggestions will receive the favorable consideration of the committee.

I would be pleased to have this letter included in the hearings.

Respectfully submitted.

MARTIN J. KENNEDY

(Letter from Congressman Martin J. Kennedy appearing in printed "Hearings before the Committee on Military Affairs," House of Representatives, Seventy-Sixth Congress, Third Session, On H. R. 10132, pages 628-630.)

II. EXCERPTS FROM PERTINENT PROVISIONS OF THE 1940 ACT.

Sec. 5, Persons not required to register; Deferment, exemption, and relief from training and service.

* * *

(b) In time of peace, the following persons shall be relieved from liability for training and service under section 3 (b) . . .

* * *

(d) Regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than one year prior to the date of enactment of this Act, shall be exempt from training and service (but not from registration) under this Act.

* * *

(Excerpts from the Selective Training and Service Act of 1940 (54 Stat. 885, 888, 50 U. S. C. Appendix §§ 301-318).)

III. PERTINENT PROVISIONS OF THE 1940 SELECTIVE SERVICE REGULATIONS.

622.44 *Class IV-D: Minister of religion or divinity student.* (a) In Class IV-D shall be placed any registrant who is a regular or duly ordained minister of religion or who is a student preparing for the ministry in a theological or divinity school which has been recognized as such for more than 1 year prior to the date of enactment of the Selective Training and Service Act (September 16, 1940).

(b) A "regular minister of religion" is a man who customarily preaches and teaches the principles of religion of a recognized church, religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion; and who is recognized by such church, sect, or organization as a minister.

(c) A "duly ordained minister of religion" is a man who has been ordained in accordance with the ceremonial ritual

or discipline of a recognized church, religious sect, or religious organization, to teach and preach its doctrines and to administer its rites and ceremonies in public worship; and who customarily performs those duties.—32 C. F. R., 1941 Supp., § 622.44.

IV. PERTINENT PROVISIONS OF ADMINISTRATIVE INTERPRETATIONS MADE UNDER THE 1940 ACT.

Vol. III Opinion No. 14

NATIONAL HEADQUARTERS, SELECTIVE SERVICE SYSTEM

SUBJECT: MINISTERIAL STATUS OF JEHOVAH'S WITNESSES

Facts:

Jehovah's Witnesses claim exemption from training and service and classification in Class IV-D as duly ordained ministers of religion under Section 5 (d), Selective Training and Service Act of 1940 and Paragraph 360, Selective Service Regulations which read as follows:

Section 5 (d):

"Regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than one year prior to the date of enactment of this Act, shall be exempt from training and service (but not from registration) under this Act."

Paragraph 360:

"*Class IV-D: Minister of religion or divinity student.*—*a.* In Class IV-D shall be placed any registrant who is a regular or duly ordained minister of religion or who is a student preparing for the ministry in a theological or divinity school recognized as such for more than one year prior to the date of enactment of the Selective Training and Service Act (September 16, 1940).

b. A 'regular minister of religion' is a man who customarily preaches and teaches the principles of religion of a

recognized church, religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion; and who is recognized by such church, sect, or organization as a minister.

c. A 'duly ordained minister of religion' is a man who has been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect, or religious organization, to teach and preach its doctrines and to administer its rites and ceremonies in public worship; and who customarily performs those duties."

Question.—May Jehovah's Witnesses be placed in Class IV-D as regular or duly ordained ministers of religion exempt from training and service?

Answer:

1. The Watchtower Bible and Tract Society, Inc., is incorporated under the laws of the State of New York for charitable, religious, and scientific purposes. The unincorporated body of persons known as Jehovah's Witnesses hold in common certain religious tenets and beliefs and recognize as their terrestrial governing organization the Watchtower Bible and Tract Society, Inc. By their adherence to the organization of this religious corporation the unincorporated body of Jehovah's Witnesses are considered to constitute a recognized religious sect.

2. The unusual character of organization of Jehovah's Witnesses renders comparisons with recognized churches and religious organizations difficult. Certain members of Jehovah's Witnesses, by reason of the time which they devote, the dedication of their lives which they have made, the attitude of other Jehovah's Witnesses toward them, and the record kept of them and their work, places them in a position where they may be recognized as having a standing in relation to the organization and the other members of Jehovah's Witnesses similar to that occupied by regular or duly ordained ministers of other religions.

3. There are those members of Jehovah's Witnesses who devote their full time and effort to the manufacture and

production of books, pamphlets, and supplies for the religious benefit of Jehovah's Witnesses, the purpose of which is to present the beliefs of Jehovah's Witnesses and to convert others. For their religious services the members of this group receive their subsistence and lodging and in addition, a very modest monthly allowance. This group of individuals consists of the office and factory workers at 117 Adams Street, Brooklyn, New York, and of the Bethel family, which includes workers in the executive offices at 124 Columbia Heights, Brooklyn, New York, and at the Farms. The names of those who form this group are recorded in the executive offices of the Watchtower Bible and Tract Society, Inc. Members of this group who devote their entire time and effort to the publications and supplies of the Society have a standing in relationship to that organization and the other members of Jehovah's Witnesses which brings them within the purview of Section 5 (d) of the Selective Training and Service Act of 1940 and they may be classified in Class IV-D, providing their names appear on the certified official list of such persons transmitted to State Directors of Selective Service by National Headquarters of the Selective Service System.

4. The members of Jehovah's Witnesses who devote their time to the work of teaching the tenets of their religion and in the converting of others to their belief, and who enjoy the esteem of other Jehovah's Witnesses, and are each individually recorded as "pioneers" by the Watchtower Bible and Tract Society, Inc., at its executive offices in Brooklyn, New York, are in a position where they may be recognized as having a standing in relationship to the organization and to the other members of Jehovah's Witnesses, similar to that occupied by regular or duly ordained ministers in other religions, and such persons who spend all or a substantial part of their time in the work of Jehovah's Witnesses, as set forth above, come within the purview of Section 5 (d) of the Selective Training and Service Act of 1940 and may be classified in Class IV-D, provided that the names of such persons appear on the certified official

list of such persons transmitted to State Directors of Selective Service by National Headquarters of the Selective Service System.

5. The members of Jehovah's Witnesses who occupy the capacities are known by the various names of regional servants, zone servants, company servants, sound servants, advertising servants, back-call servants, and by other similar descriptive titles, devote their time and efforts in varying degrees to the dissemination of the tenets and beliefs of Jehovah's Witnesses. The deference paid to these individuals by other members of Jehovah's Witnesses also varies in a great degree. It is impossible to make a general determination with respect to these persons as to their relationship to Jehovah's Witnesses. Whether or not they stand in the same relationship as regular or duly ordained ministers in other religions must be determined in each individual case by the local board, based upon whether or not they devote their lives in the furtherance of the beliefs of Jehovah's Witnesses, whether or not they perform functions which are normally performed by regular or duly ordained ministers of other religions, and finally, whether or not they are regarded by other Jehovah's Witnesses in the same manner in which regular or duly ordained ministers of other religions are ordinarily regarded.

6. In the case of Jehovah's Witnesses as in the case of all other registrants who claim exemption as regular or duly ordained ministers, the local board shall place in the registrant's file a record of all facts entering into its determination for the reason that it is legally necessary that the record show the basis of the local board's decision.

LEWIS B. HERSHEY
Deputy Director

Legal
June 12, 1941
File Reference III—Ministers
Sec. 5 (d); Par. 360, S. S. R.

Vol. III Opinion No. 14 (Amended)

NATIONAL HEADQUARTERS SELECTIVE SERVICE SYSTEM

SUBJECT: MINISTERIAL STATUS OF JEHOVAH'S WITNESSES

FACTS:

Jehovah's Witnesses claim exemption from training and service and classification in Class IV-D as duly ordained ministers of religion under section 5 (d), Selective Training and Service Act of 1940, as amended, and section 622.44, Selective Service Regulations, Second Edition, which read as follows:

Section 5 (d):

"Regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than one year prior to the date of enactment of this Act, shall be exempt from training and service (but not from registration) under this Act."

Section 622.44:

"Class IV-D: Minister of religion or divinity student. (a) In Class IV-D shall be placed any registrant who is a regular or duly ordained minister of religion or who is a student preparing for the ministry in a theological or divinity school which has been recognized as such for more than 1 year prior to the date of enactment of the Selective Training and Service Act (September 16, 1940).

"(b) A 'regular minister of religion' is a man who customarily preaches and teaches the principles of religion of a recognized church, religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion; and who is recognized by such church, sect, or organization as a minister.

"(c) A 'duly ordained minister of religion' is a man who has been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect, or religious organization, to teach and preach its doctrines and

to administer its rites and ceremonies in public worship; and who customarily performs those duties."

Question.—May Jehovah's Witnesses be placed in Class IV-D as regular or duly ordained ministers of religion exempt from training and service?

Answer:

1. The Watchtower Bible and Tract Society, Inc., is incorporated under the laws of the State of New York for charitable, religious, and scientific purposes. The unincorporated body of persons known as Jehovah's Witnesses hold in common certain religious tenets and beliefs and recognize as their terrestrial governing organization the Watchtower Bible and Tract Society, Inc. By their adherence to the organization of this religious corporation, the unincorporated body of Jehovah's Witnesses are considered to constitute a recognized religious sect.

2. The unusual character of organization of Jehovah's Witnesses renders comparisons with recognized churches and religious organizations difficult. Certain members of Jehovah's Witnesses, by reason of the time which they devote, the dedication of their lives which they have made, the attitude of other Jehovah's Witnesses toward them, and the record kept of them and their work, are in a position where they may be recognized as having a standing in relation to the organization and the other members of Jehovah's Witnesses similar to that occupied by regular or duly ordained ministers of other religions.

3. Members of the Bethel Family are those members of Jehovah's Witnesses who devote their full time and effort to the manufacture and production of books, pamphlets, and supplies for the religious benefit of Jehovah's Witnesses, the purpose of which is to present the beliefs of Jehovah's Witnesses and to convert others. For their religious services, the members of this group receive their subsistence and lodging and in addition a very modest monthly allowance. This group of individuals consists of the office and factory workers at 117 Adams Street, Brooklyn,

New York, and workers in the executive offices at 124 Columbia Heights, Brooklyn, New York, and at the Farms. Pioneers of Jehovah's Witnesses are those members of Jehovah's Witnesses who devote all or substantially all of their time to the work of teaching the tenets of their religion and in the converting of others to their belief. A certified official list of members of the Bethel Family and pioneers is being transmitted to the State Directors of Selective Service by National Headquarters of the Selective Service System simultaneously with the release of this amended Opinion. The members of the Bethel Family and pioneers whose names appear upon such certified official list come within the purview of section 5 (d) of the Selective Training and Service Act of 1940, as amended, and they may be classified in Class IV-D. The status of members of the Bethel Family and pioneers whose names do not appear upon such certified official list shall be determined under the provisions of paragraph 5 of this Opinion.

4. The original paragraph 4 has been consolidated with paragraph 3 of this amended Opinion.

5. The members of Jehovah's Witnesses, known by the various names of members of the Bethel Family, pioneers, regional servants, zone servants, company servants, sound servants, advertising servants, and back-call servants, devote their time and efforts in varying degrees to the dissemination of the tenets and beliefs of Jehovah's Witnesses. The deference paid to these individuals by other members of Jehovah's Witnesses also varies in a great degree. It is impossible to make a general determination with respect to these persons as to their relationship to Jehovah's Witnesses. Whether or not they stand in the same relationship as regular or duly ordained ministers in other religions must be determined in each individual case by the local board, based upon whether or not they devote their lives in the furtherance of the beliefs of Jehovah's Witnesses, whether or not they perform functions which are normally performed by regular or duly ordained

ministers of other religions, and, finally, whether or not they are regarded by other Jehovah's Witnesses in the same manner in which regular or duly ordained ministers of other religions are ordinarily regarded.

6. In the case of Jehovah's Witnesses, as in the case of all other registrants who claim exemption as regular or duly ordained ministers, the local board shall place in the registrant's file a record of all facts entering into its determination for the reason that it is legally necessary that the record show the basis of the local board's decision.

LEWIS B. HERSHEY
Director

LBH/spd
Legal
November 2, 1942
Secs. 5(d), 622.44
DISTRIBUTION "A, B, C, D"

Opinion No. 2

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM

SUBJECT: CLASSIFICATION—EXEMPTION OF CATHOLIC LAY BROTHERS ON ACCOUNT OF BEING REGULAR MINISTERS OF RELIGION

Facts:

(1) Section 5 (d) of the Selective Training and Service Act reads as follows:

"(d) Regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than one year prior to the date of enactment of this Act, shall be exempt from training and service (but not from registration) under this Act."

(2) Paragraph 360 of the Selective Service Regulations, which was promulgated in virtue of the foregoing provision of the Act, reads as follows:

"360. Class IV-D: Minister of religion or divinity student.—a. In Class IV-D shall be placed any registrant who is a regular or duly ordained minister of religion or who is a student preparing for the ministry in a theological or divinity school recognized as such for more than one year prior to the date of enactment of the Selective Training and Service Act (September 16, 1940).

"b. A 'regular minister of religion' is a man who customarily preaches and teaches the principles of religion of a recognized church, religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion; and who is recognized by such church, sect, or organization as a minister.

"c. A 'duly ordained minister of religion' is a man who has been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect, or religious organization, to teach and preach its doctrines and to administer its rites and ceremonies in public worship; and customarily performs those duties."

(3) Archbishop Edward Mooney of Detroit, under date of December 14, 1940, as chairman of the Administrative Board of the National Catholic Welfare Conference, has officially certified to the Director of Selective Service the following facts in regard to the religious status of Catholic Lay Brothers:

"I beg to certify that according to the laws of the Church, the term 'Brother' or 'Lay Brother' signifies a regular minister of religion.

"'Lay Brothers' in all the canonically approved societies, orders and congregations are religious ministers in the fullest sense of that term as defined in the Code of Canon Law (Canon 488, 70). They are deliberately received into an ecclesiastically approved religious order or society so that, in fulfillment of their dedication by the profession of the vows or solemn promises of religion, they, as real ministers of religion, may cooperate in the sacred ministry of the priests and the salvation of souls, by the performance

of the special tasks assigned to them in schools, hospitals, religious institutes, houses of study or elsewhere.

"The Lay Brothers, so-called, are not only bound to the obligations of the clerical state (Cfr. Canons 592 and 673), but they also enjoy the very same privileges as clerics (Cfr. Canons 614 and 680)."

Question.—Are the Lay Brothers of the various Catholic religious orders entitled to be placed in Class IV-D?

Answer.—While it appears that all of these men have made profession of the vows required of them by their respective religious Congregations, such as poverty, chastity, obedience, et cetera, and are said to devote all of their time to their Congregations without pay; nevertheless, they are not "duly ordained ministers of religion" as that term has been defined in Paragraph 360e. Rather the claim is made in their behalf that they are "regular ministers of religion" within the meaning and limitations of Paragraph 360b.

From a legal standpoint, when construing Section 5 (d) of the Act and Paragraph 360b of the Regulations, if there is any ambiguity or doubt (and there seems to be some) in the matter, the intention of Congress, if it is apparent, may be considered in arriving at a solution of the question.

The status of the Lay Brothers was discussed in the meetings of the Committees on Military Affairs of both Houses of Congress when the Selective Training and Service Act was being heard and considered by such committees. And in the report of Chairman May of the House Committee on Military Affairs (on page 5 thereof) appears the following paragraph:

"Under section 5 (d), regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than 1 year prior to the date of enactment of the bill, are to be exempt from training and service (but not from registration) under the bill. *This exemption would*

also include all Brothers who have taken solemn vows to dedicate their lives to the service of God."

Moreover, when the Act was being debated in the Senate, Senator Lodge asked Senator Gaffey (who was sponsoring the particular matter) if the language was broad enough to "cover religious brothers," and the answer was "yes." See page 10166 of the Congressional Record.

Therefore, unquestionably, it is clear that The Congress intended that the Lay Brothers were included in the purview of the Statutory exemption of regular ministers of religion from training and service.

Of course, in the last analysis, it is the function of the local selective service board to receive the facts in each case and make the proper classification decision; however, when the facts are established to the satisfaction of the local board that a registrant is a Lay Brother member of one of the duly established and recognized religious Congregations or Orders of the Holy Roman Catholic Church, we are of the opinion that the board should place such a person in Class IV-D, under authority of Paragraph 360b.

Nothing said in this opinion shall preclude such a Lay Brother from waiving and not insisting upon his status as a regular minister of religion and the exemption granted on account thereof under the Selective Service Law.

EDWARD S. SHATTUCK
Major, United States Army
Chief, Legal Division

January 25, 1941
File Reference III—Ministers
Sec. 5 (d); Par. 360b

State Director Advice (No. 86)

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM
21st Street and C Street, N. W.
Washington, D. C.

October 29, 1942

Subject: Official List of Jehovah's Witnesses

It has been deemed advisable to change the policy regarding the addition of names to the revised official list of Bethel Family and Pioneers of Jehovah's Witnesses attached to Memorandum to State Directors No. 381.

All registrants whose names now appear on the list will remain in precisely the same status as previously enunciated, but no further names will be added to the list by this Headquarters.

A new and final list consolidating all former lists and showing the names of Bethel Family and Pioneers of Jehovah's Witnesses, who have heretofore been approved by this Headquarters and who have not subsequently been removed, will be distributed to State Directors at an early date.

Attached, for your information, is copy of letter addressed to the representative of Jehovah's Witnesses, by this Headquarters, further indicating the change in policy with respect to the use of such list.

Opinion No. 14, Volume III, National Headquarters, dated June 12, 1941, has been revised in accordance with the foregoing policy.

[signed] Lewis B. Hershey
Director

Attachment
LBH/spd
DISTRIBUTION "A, B"

Letter

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM
21st Street and C Street, N. W.
Washington, D. C.

In replying address
The Director of Selective Service
and refer to no.
3-10.26-144

Hayden Covington, Esq.
117 Adams Street
Brooklyn, New York

Subject: List of Members of the Bethel Family and Pioneers of Jehovah's Witnesses

Dear Mr. Covington:

As stated to you at the conference held in this headquarters on October 22, 1942, the policy of National Headquarters, Selective Service System, in reference to Jehovah's Witnesses, has been revised.

This headquarters has discontinued the practice of placing upon the certified list of the Bethel Family and Pioneers of Jehovah's Witnesses, the names of any additional persons. The general policy promulgated at the time this list was established shall remain in full force and effect, except for this practice.

Registrants now who appear on the list as of this date shall remain in the same status as heretofore expressed.

Applications and statements for listing on file in this headquarters and not acted upon, will be forwarded to the appropriate State Directors to be transmitted to the local

board having jurisdiction over registrant concerned, to be placed in such registrant's cover sheet.

For the Director,
[signed] Lewis F. Kosch
LEWIS F. KOSCH
Colonel, Field Artillery
Chief, Camp Operations Division

State Director Service (No. 213-B)

Issued: 6/7/44

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM

SUBJECT: THE MINISTERIAL STATUS OF CERTAIN OF THE OFFICIALS OF SPECIFIED CHURCHES, RELIGIOUS SECTS, OR RELIGIOUS ORGANIZATIONS

INTRODUCTION

Concerning the classification of registrants who claim to be ministers of religion, section 622.44, Selective Service Regulations, provides as follows:

"(a) In Class IV-D shall be placed any registrant:
(1) Who is a regular minister of religion, or
(2) Who is a duly ordained minister of religion, or

* * *

"(b) A 'regular minister of religion' is a man who customarily preaches and teaches the principles of religion of a recognized church, religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion; and who is recognized by such church, sect, or organization as a minister.

"(c) A 'duly ordained minister of religion' is a man who has been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect, or religious organization, to teach and preach its doctrines and to administer its rites and ceremonies in public worship; and who customarily performs those duties."

Part I

1. Because of the unusual nature of the organization and work of certain religious groups, National Headquarters has been called, from time to time, to make predeterminations relating to the question of whether a particular group comes within the purview of the Regulations as a recognized church, religious sect, or religious organization.

2. The issuance of a complete list of recognized churches, religious sects, or religious organizations, is not contemplated by this Headquarters. Therefore, the fact that a particular organization is not mentioned in this State Director advice should not be taken to mean that it is not a recognized church, religious sect, or religious organization.

3. Information will be furnished upon request of any agency of the Selective Service System as to whether a predetermination has been made regarding any particular organization. If no predetermination has been made, a study will be conducted and a predetermination made.

Part II

1. Statements of opinion have been issued occasionally regarding the nature and work of those offices or positions of leadership in a recognized church, religious sect, or religious organization which are generally recognized to be ministerial in nature and function.

2. In part IV of this State Director Advice is listed information relating to certain offices of ministerial function in various organizations. Each organization referred to has been predetermined by National Headquarters to be a recognized church, religious sect, or religious organization within the purview of the Act and the Regulations. The offices of ministerial function of such groups as indicated have been predetermined by National Headquarters to come within the meaning of the Act and the Regulations as offices of regular or duly ordained ministers of religion.

3. The following are the recognized churches, religious sects, or religious organizations concerning which statements of opinion are issued in Part IV of this State Director Advisor:

(a) Salvation Army.
(b) Holy Roman Catholic Church—Lay Brothers.
(c) Jehovah's Witnesses.
(d) Church of Christ, Scientist.
(e) Evangelical Lutheran Synod of Missouri, Ohio, and Other States—Christian Day School Teachers.
(f) Evangelical Lutheran Joint Synod of Wisconsin and Other States—Christian Day School Teachers.
(g) Jewish Congregations—Cantors.
(h) Volunteers of America.
(i) Church of Jesus Christ of Latter Day Saints (Mormon).
(j) Seventh-day Adventist Church—Colporteurs and Day School Teachers.

PART III

1. Whether a registrant who qualifies under the statements hereinbefore made, is actually engaged in the regular discharge of his duties as a regular or duly ordained minister of religion must be determined in each individual case by the local board or agency of appeal.

2. It is the opinion of National Headquarters that the question of the regular discharge of his duties as a minister is a most important factor in determining whether a registrant should be classified in Class IV-D in accordance with the provisions of paragraphs (b) and (c) of section 622.44 of the Regulations.

3. The historic nature of the ministerial function of a registrant's own religious organization must be taken into consideration in each individual case. In some churches both practice and necessity require the minister to support himself, either partially or wholly, by secular work.

4. In view of the fact that the exemption of regular or duly ordained ministers of religion is a statutory provision

of the Act, no particular form of document is specified for the presentation of information concerning such status.

Part IV

1. Salvation Army

Commissioned officers of the Salvation Army are consecrated to their religious beliefs, and occupy with respect to their organization the exalted position held by other ministers in more familiar denominations. The commission granted any commissioned officer of the Salvation Army is an ordination. By reason of the position they occupy and their ordination to such position, registrants who are commissioned officers of the Salvation Army, as they are now constituted, may be considered duly ordained ministers of religion.

2. Holy Roman Catholic Church—Lay Brothers

It appears that Catholic Brothers have made profession of the vows required of them by their respective religious Congregations, such as poverty, chastity, obedience, and are said to devote all of their time to their Congregations. Moreover, when the Selective Training and Service Act was being discussed in Congress, it was made clear that it was intended that the Brothers were included in the purview of the statutory exemption from training and service of regular ministers of religion. It is believed that they are and should be considered "regular ministers of religion."

It has been officially certified to the National Headquarters by an official of the church that:

> "I beg to certify that according to the laws of the Church, the term 'Brother' or 'Lay Brother' signifies a regular minister of religion.
>
> "'Lay Brothers' in all the canonically approved societies, orders and congregations are religious ministers in the fullest sense of that term as defined in the Code of Canon Law (Canon 488,70). They are deliberately received into an ecclesiastically approved religious order by the profession of the vows of solemn

premises of religion; they, as real ministers of religion, may cooperate in the sacred ministry of the priests and the salvation of souls, by the performance of the special tasks assigned to them in schools, hospitals, religious institutes, houses of study or elsewhere.

"The 'Lay Brothers,' so-called, are not only bound to the obligations of the clerical state (Cfr. Canons 592 and 697) but they also enjoy the very same privileges as clerics (Cfr. 614 and 680)."

2. Jehovah's Witnesses

Whether an official of the Jehovah's Witnesses group stands in the same relationship to this group as a regular or duly ordained minister in other religions must be determined in each individual case based upon whether he devotes his life in the furtherance of the beliefs of Jehovah's Witnesses, whether he performs functions which are normally performed by regular or duly ordained ministers of other religions, and finally, whether he is regarded by other Jehovah's Witnesses in the same manner in which regular or duly ordained ministers of other religions are ordinarily regarded.

Experience has shown that due to the fact that a large proportion of the members of any Jehovah's Witnesses unit claim to be ministers, special care must be used in applying the above-mentioned tests. Information presented in the case of a registrant who claims to be a minister of the Jehovah's Witnesses group must show facts regarding both his ministerial position and his ministerial activities which clearly justify his exemption as a minister. Certificates, affidavits, or statements of opinion are not necessarily conclusive proof of a ministerial status.

Members of the Bethel Family are those members of Jehovah's Witnesses who devote their full time and effort to the manufacture and production of books, pamphlets, and supplies for the religious benefit of Jehovah's Witnesses, the purpose of which is to present the beliefs of Jehovah's Witnesses and to convert others. For their re-

ligious services, the members of this group are said to receive their subsistence and lodging and in addition a very modest monthly allowance. This group of individuals consists of the office and factory workers at 117 Adams Street, Brooklyn, New York, and workers in the executive offices at 124 Columbia Heights, Brooklyn, New York, and at the Farms.

Pioneers of Jehovah's Witnesses are those members of Jehovah's Witnesses who devote all or substantially all of their time to the dissemination of the tenets and beliefs of Jehovah's Witness s.

A certified official list of members of the Bethel Family and Pioneers has been transmitted to the State Directors of Selective Service by National Headquarters as an attachment to the State Director Advice No. 213-C. The members of the Bethel Family and Pioneers whose names appear upon such certified official list were thought at the time the list was issued to come within the purview of section 6 (d) of the Selective Training and Service Act of 1940, as amended, and if they were continued in the same status they should be classified in Class IV-D. The status of members of the Bethel Family and Pioneers whose names do not appear upon such certified official list shall be determined as herein provided.

Other members of Jehovah's Witnesses, known by the various names of servant to the brethren, company servant, assistant company servant, backcall servant, territory servant, advertising servant, account servant, stock servant, and other servants, devote their time and effort in varying degrees to the dissemination of the tenets and beliefs of Jehovah's Witnesses. Often the servants to the brethren and the company servants are found to be devoting their lives to a work of ministry to the substantial exclusion of secular employment. In such cases, they may be considered for classification into Class IV-D as ministers of religion.

4. Church of Christ, Scientist

Members of the Church of Christ, Scientist, who are Christian Science practitioners whose names appear in the Christian Science Journal as being recognized or certified practitioners may be considered regular ministers of religion.

First and Second Readers, Christian Science lecturers and Christian Science nursing ministers and Readers of the Church of Christ, Scientist, while serving in such capacities and actually holding such offices during their designated terms, may be considered regular ministers of religion.

5. Evangelical Lutheran Church of Missouri, Ohio and Other States

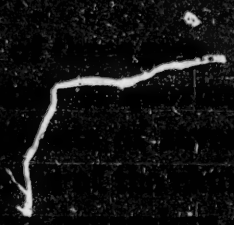
Teachers in the Lutheran day schools of the Evangelical Lutheran Synod of Missouri, Ohio and Other States may be considered regular ministers of religion if they have satisfied their duties in the performance of the religious beliefs of the church. They have been called by a congregation and ordained to serve in a parochial school in the same way the pastor of the congregation is called and if they are regarded by other members of the church in the same manner in which regular pastors are ordinarily regarded.

Regarding such a teacher it has been stated by this Headquarters by the church that:

"He is called by the respective congregation in the same way as the pastor is called, and all that is said in Holy Scriptures of the bishop (1 Tim. 3) applies to the regular teacher of the Lutheran day school in his particular work. A teacher of a Lutheran school is called for life by the congregation, and he will not accept the call of another congregation except after due counsel with the congregation which he serves at the time of receiving the new call.

"The office of parochial school teacher was established after the Reformation. That of the regular Lutheran day-

[redacted]



Seventh-day Adventist Church Controversy and Day Sabbath Theories

Members of this church consider their colporteur evangelistic work to be of highest importance in the propagation of the faith. They look upon the men who do this work as engaged in a vocation comparable to the gospel ministry, even though they are not ordained. When a registrant is found to be actually engaged in a bona fide manner in full-time work of this nature and does evidence of possession of a colporteur's license or a colporteur's credentials, he may be considered a regular minister of religion.

The teachers in the day schools of this church are looked upon by members of the denomination as engaged in sacred work comparable to that of the gospel ministry. They are the religious instructors of the children and youth of the church, and even though they are not ordained, they have given their lives and are devoting their time to the religious

activities of the church. Such teachers may be considered regular ministers of religion.

Lewis B. Hershey
Director

State Director Advice (No. XII-B)

Issued: 5/7/42
As Amended: 9/26/44

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM

Subject: The Ministerial Status of Objectors of the Objectors of Separate Categories, Including those in Civilian Conservation

Concerning the classification of registrants who claim to be ministers of religion, section 622.44, Selective Service Regulations, provides as follows:

"(a) In Class IV-D shall be placed any registrant:

(1) Who is a regular minister of religion, or

(2) Who is a duly ordained minister of religion, or

* * *

"(b) A 'regular minister of religion' is a man who customarily preaches and teaches the principles of religion of a recognized church, religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a minister.

"(c) A 'duly ordained minister of religion' is a man who has been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect, or religious organization, to teach and preach its doctrines and to administer its rites and ceremonies in public worship; and who customarily performs those duties."

Part I

1. Because of the unusual nature of the organization and work of certain religious groups, National Headquarters has been called upon, from time to time, to make predeterminations relating to the question of whether a particular group comes within the purview of the Regulations as a recognized church, religious sect, or religious organization.

2. The issuance of a complete list of recognized churches, religious sects or religious organizations, is not contemplated by this Headquarters. Therefore, the fact that a particular organization is not mentioned in this State Director Advice should not be taken to mean that it is not a recognized church, religious sect, or religious organization.

3. Information will be furnished upon request of any agency of the Selective Service System as to whether a predetermination has been made regarding any particular organization. If no predetermination has been made, a study will be conducted and a predetermination made.

Part II

1. Statements of opinion have been issued occasionally regarding the nature and work of those offices or positions of leadership in a recognized church, religious sect, or religious organization which are generally recognized to be ministerial in nature and function.

2. In Part IV of this State Director Advice is listed information relating to certain offices of ministerial function in various organizations. Each organization referred to has been predetermined by National Headquarters to be a recognized church, religious sect, or religious organization within the purview of the Act and Regulations. The offices of ministerial function of such groups as indicated have been predetermined by National Headquarters to come within the meaning of the Act and the Regulations as offices of regular or duly ordained ministers of religion.

3. The following are the recognized churches, religious sects, or religious organizations concerning which statements of opinion are issued in Part IV of this State Director Advisor:

(a) Salvation Army.

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(c) Jehovah's Witnesses.

(d) Church of Christ, Scientist.

(e) Evangelical Lutheran Synod of Missouri, Ohio, and Other States—Christian Day School Teachers.

(f) Evangelical Lutheran Joint Synod of Wisconsin and Other States—Christian Day School Teachers.

(g) Jewish Congregations—Cantors.

(h) Volunteers of America.

(i) Church of Jesus Christ of Latter Day Saints (Mormon).

(j) Seventh-day Adventist Church—Colporteurs and Day School Teachers.

PART III

1. Whether a registrant who qualifies under the statements hereinbefore made, is actually engaged in the regular discharge of his duties as a regular or duly ordained minister of religion must be determined in each individual case by the local board or agency of appeal.

2. It is the opinion of National Headquarters that the question of the regular discharge of his duties as a minister is a most important factor in determining whether a registrant should be classified in Class IV-D in accordance with the provisions of paragraphs (b) and (c) of section 622.44 of the Regulations.

3. The historic nature of the ministerial function of a registrant's own religious organization must be taken into consideration in each individual case. In some religious organizations both practice and necessity require the minister to support himself, either partially or wholly, by secular work.

4. In view of the fact that the exemption of regular

or duly ordained ministers of religion is a statutory provision of the Act, no particular form of document is specified for the presentation of information concerning such status.

Part IV

1. Salvation Army

Commissioned officers of the Salvation Army are consecrated to their religious beliefs, and occupy with respect to their organization the exalted position held by other ministers in more familiar denominations. The commission granted any commissioned officer of the Salvation Army is an ordination. By reason of the position they occupy and their ordination in such position, registrants who are commissioned officers of the Salvation Army, as they are now constituted, may be considered duly ordained ministers of religion.

2. Holy Roman Catholic Church—Lay Brothers

It appears that Catholic Brothers have made profession of the vows required of them by their respective religious Congregations, such as poverty, chastity, obedience, and are said to devote all of their time to their Congregations. Moreover, when the Selective Training and Service Act was being discussed in Congress, it was made clear that it was intended that the Brothers were included in the purview of the statutory exemption from training and service of regular ministers of religion. It is believed that they are and should be considered "regular ministers of religion."

It has been officially certified to National Headquarters by an official of the Church that:

> "I beg to certify that according to the laws of the Church, the term 'Brother' or 'Lay Brother' signifies a regular minister of religion.
>
> "'Lay Brothers' in all the canonically approved societies, orders and congregations are religious ministers in the fullest sense of that term as defined in the Code of Canon Law (Canon 488,70). They are deliberately

received into an ecclesiastically approved religious order by the profession of the vows of solemn promises of religion; they, as real ministers of religion, may cooperate in the sacred ministry of the priests and the salvation of souls, by the performance of the special tasks assigned to them in schools, hospitals, religious institutes, houses of study or elsewhere.

"The Lay Brothers, so-called, are not only bound to the obligations of the clerical state (Cfr. Canons 592 and 679) but they also enjoy the very same privileges as clerics (Cfr. 614 and 680)."

3. Jehovah's Witnesses

Whether an official of the Jehovah's Witnesses group stands in the same relationship to this group as a regular or duly ordained minister in other religions must be determined in each individual case based upon whether he devotes his life in the furtherance of the beliefs of Jehovah's Witnesses, whether he performs functions which are normally performed by regular or duly ordained ministers of other religions, and finally, whether he is regarded by other Jehovah's Witnesses in the same manner in which regular or duly ordained ministers of other religions are ordinarily regarded.

Experience has shown that due to the fact that a large proportion of the members of any Jehovah's Witnesses unit claim to be ministers, special care must be used in applying the above-mentioned tests. Information presented in the case of a registrant who claims to be a minister of the Jehovah's Witnesses group must show facts regarding both his ministerial position and his ministerial activities which clearly justify his exemption as a minister. Certificates, affidavits, or statements of opinion are not necessarily conclusive proof of a ministerial status.

Members of the Bethel Family are those members of Jehovah's Witnesses who devote their full time and effort to the manufacture and production of books, pamphlets,

and supplies for the religious benefit of Jehovah's Witnesses, the purpose of which is to present the beliefs of Jehovah's Witnesses and to convert others. For their religious services, the members of this group are said to receive their subsistence and lodging and in addition a very modest monthly allowance. This group of individuals consists of the office and factory workers at 117 Adams Street, Brooklyn, New York, and workers in the executive offices at 124 Columbia Heights, Brooklyn, New York, and at the Plaque.

Pioneers of Jehovah's Witnesses are those members of Jehovah's Witnesses who devote all or substantially all of their time to the dissemination of the tenets and beliefs of Jehovah's Witnesses.

A certified official list of members of the Bethel Family and Pioneers has been transmitted to the State Directors of Selective Service by National Headquarters as an attachment to State Director Advice No. 215-C. The members of the Bethel Family and Pioneers whose names appear upon such certified official list were thought at the time the list was issued to come within the purview of section 5 (d) of the Selective Training and Service Act of 1940, as amended, and if they have continued in the same status, they should be classified in Class IV-D. The status of members of the Bethel Family and Pioneers whose names do not appear upon such certified official list shall be determined as herein provided.

Other members of Jehovah's Witnesses, known by the various names of servant to the brethren, company servant, assistant company servant, backcall servant, territory servant, advertising servant, account servant, stock servant, and other servants, devote their time and effort in varying degrees to the dissemination of the tenets and beliefs of Jehovah's Witnesses. Servants to the brethren and company servants are believed to hold positions of greater responsibility and leadership than the other servants mentioned;

however, the status of all of these 'servants' could be determined as herein provided.

4. Christian or Church, Scientist

Members of the Church of Christ, Scientist, who are Christian Science practitioners whose names appear in the Christian Science Journal as being recognized or certified practitioners may be considered regular ministers of religion.

First and Second Readers, Christian Science lecturers and Christian Science wartime ministers and Readers of the Church of Christ, Scientist, while serving in those capacities, and actually holding such offices, during their designated terms, may be considered regular ministers of religion.

5. Evangelical Lutheran Synod of Missouri, Ohio and Other States—Christian Day School Teachers

Teachers in the Christian day schools of the Evangelical Lutheran Synod of Missouri, Ohio and Other States may be considered regular ministers of religion if they have devoted their lives to the furtherance of the religious beliefs of the church, if they have been called by a congregation and assigned to teach in a parochial school in the same way the pastor of the congregation is called and if they are regarded by other members of the church in the same manner in which regular ministers are ordinarily regarded.

Regarding such a teacher, it has been stated to this Headquarters by the church that:

"He is called by the Christian congregation in the same way as the pastor is called, and all that is said in Holy Scriptures of the bishop (1 Tim. 3) applies to the regular teacher of the Lutheran day school in his particular part of the work. A teacher of a Lutheran school is called 'for life' by the congregation, and he

will not accept the call of another congregation except after due counsel with the congregation which he serves at the time of receiving the new call.

"The office of parochial school teacher was established after the Reformation. That of the regular Lutheran day-school teacher is part of the office of the holy ministry, inasmuch as he labors in the Word and doctrine."

6. Evangelical Lutheran Joint Synod of Wisconsin and Other States—Christian Day School Teachers

Teachers in the Christian Day Schools of the Evangelical Lutheran Joint Synod of Wisconsin and Other States should be considered in exactly the same manner as is provided in such cases with regard to the Evangelical Lutheran Synod of Missouri, Ohio and other States.

7. Jewish Congregations—Cantors

In an exceptional case, a Jewish congregation may have no ordained rabbi, but instead will accept as rabbi a person who lacks ordination. The person so engaged to act in the capacity of rabbi may be a cantor. In such an instance, the cantor performs virtually all of the functions normally performed by a rabbi, including the giving of advice upon specific questions of Jewish law, the preaching of sermons, the teaching and expounding of the law; and the congregation regards him as their spiritual leader. In such an exceptional case, the cantor may be considered a regular minister of religion.

8. Volunteers of America

The commissioned officers of the Volunteers of America are duly ordained and commissioned after due preparation and a satisfactory examination. It also appears that these commissioned officers customarily preach and teach the principles of religion in accordance with the prescribed form of worship recognized by the organization. Therefore,

they may be considered regular or duly ordained ministers of religion.

9. Church of Jesus Christ of Latter Day Saints (Mormon)

Those registrants who have been ordained in the Melchisedek Priesthood of the Church of Jesus Christ of Latter Day Saints (Mormon) and who are serving in any of the capacities hereinafter listed, may be considered regular ministers of religion within the meaning of the Act and the Regulations, so long as they hold any of these positions:

(a) The first presidency of three men.

(b) The presiding patriarch or quorum of twelve apostles.

(c) The first seven presidents of seventies.

(d) The presiding bishopric of the church of three men.

(e) The president and two counselors of each stake.

(f) The bishop and two counselors of each ward.

(g) The president and two counselors of each independent branch.

(h) The president of each dependent branch.

(i) The president of each mission.

(j) Those men who have been ordained as elders of seventies and who hold formal certificates as missionaries.

10. Seventh-Day Adventist Church Colporteurs and Day School Teachers

Members of this church consider their colporteur evangelistic work to be of highest importance in the propagation of the faith. They look upon the men who do this work as engaged in a vocation comparable to the gospel ministry, even though they are not ordained. When a registrant is found to be actually engaged in a bona fide manner in full-time work of this nature and files evidence of possession of a colporteur's license or a colporteur's credentials, he may be considered a regular minister of religion.

The teachers in the day schools of this church are looked upon by members of the denomination as engaged in sacred

work comparable to that of the gospel ministry. They are the religious instructors of the children and youth of the church, and even though they are not ordained, they have given their lives and are devoting their time to the religious activities of the church. Such teachers may be considered regular ministers of religion.

(signed) Lewis B. Hershey
Director

V. PERTINENT PARTS OF THE REPORTS OF THE NATIONAL DIRECTOR OF SELECTIVE SERVICE TO THE PRESIDENT OF THE UNITED STATES UNDER THE 1940 ACT.

Excerpts from *Selective Service in Wartime*, pages 229-241

Religion

Statutory Exemption of Ministers and Theological Students

Freedom to worship is one of the four freedoms for which we fight. Even in days before we realized that our civilization was to be challenged, even to its religious roots, it was felt that regular and duly ordained ministers should be exempted from military duty. There was a natural repugnance toward any proposal for drafting ministers of religion for training and service. The first bill submitted to the Congress contained this provision and was readily accepted. The similar exemption or deferment of theological students was not included. This was added on the floor of the Congress. The wording of the law, unchanged from its passage on September 1940, is as follows:

> Regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than one year prior to the date of enactment of this act, shall be exempt from training and service (but not from registration) under this act.

The Classification of Ministers of Religion

The question to determine with reference to a minister is the question whether he is a regular or duly ordained minister of religion. The regulations defined a regular minister of religion as:

> A 'regular minister of religion' is a man who customarily preaches and teaches the principles of religion of a recognized church, religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a minister.

A duly ordained minister of religion was defined in these terms:

> A 'duly ordained minister of religion' is a man who has been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect, or religious organization, of which he is a member, and whose calling is to administer its rites and ceremonies in public worship; and who customarily performs those duties.

Once that determination was made, there was no question as to what must be done. They must be exempted from training and service. This was done in the Selective Service System by placing them in Class IV-D. The regulations, merely rewording the statute, say:

> In Class IV-D shall be placed any registrant who is a regular or duly ordained minister of religion or who is a student preparing for the ministry in a theological or divinity school which has been recognized as such for more than 1 year prior to the date of enactment of the Selective Training and Service Act (September 16, 1940).

It should be noted that there is no question of their necessity nor as to their contribution to war production or support of the war effort or to the national health, safety, or interest in

the emergency, it was assumed, however, that they must actually be engaged in their occupation.

What is Ordination?

However, the problem is not as simple as it seems. What is ordination? Is some of the clergymen who [illegible] a sacrament attended by very elaborate ceremonial which follow prolonged periods of [illegible] training and [illegible] by [illegible] the discipline of [illegible] process of pro[illegible] of this practice by the [illegible] Perhaps the most disastrous is the extreme [illegible] of [illegible] a person was a minister who claimed at times to have received as the Jehovah's Witnesses, but we need not enter further in any detail into this discussion. Suffice it to say that it is unfair to those who were claiming Presidential appeals, the following statement was prepared regarding those who claimed direct ordination from God:

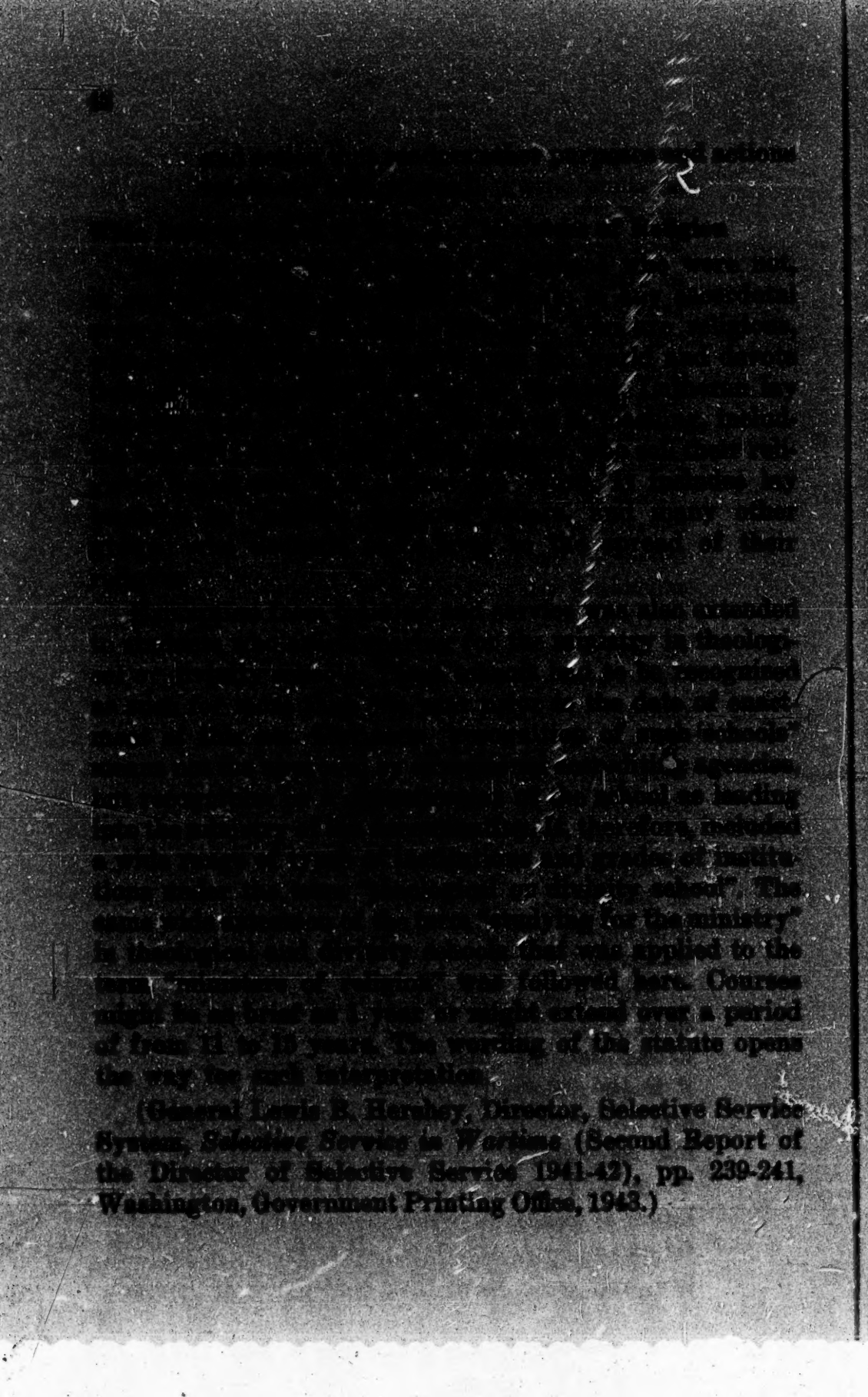
> Whether, however, the contention is true, regardless of such proof as may be offered in evidentiary form, the registrant has received "ordination" direct from God and without the intermediary and provable processes, the interpretation of such fact would depend upon an exploration into the minds and hearts of men, impose upon local boards the dubious task of analyzing intangible things with no power to check upon their values or their accuracy. It is the view of this office, therefore, that such contentions do not furnish a satisfactory basis upon which decisive action may be taken.

As to who constitute regular ministers of religion, a very broad definition of this vocation was formulated for those charged with Presidential appeals as follows:

> The ordinary concept of "preaching and teaching" is that it must be oral and from the pulpit

or platform. Such is not the test. Preaching and teaching have neither locational nor social limitations. The method of transmission of knowledge does not determine its value or effect its purpose or goal. One may preach or teach from the pulpit, from the rostrum, in the fields, or at the recreational fronts. He may shout his message "from housetops" or write it "upon tablets of stone." He may pen his sermons on the streets, lead [illegible] of the blind, write upon the sands while a Magdalen kneels, wash disciples' feet or die upon the Cross. He may carry his message with the gentleness of a Father Damien to the lepers of the leper, or hurl invectives at the devil with all the crushing vigor of a Luther. But if in saying the word or doing the thing which gives expression to the principle of religion, he conveys to those who "have ears to hear" and "eyes to see" the concept of those principles, he both preaches and teaches. He may walk the streets in daily converse with those about him talking those of those ideals that are the foundation of his religious convictions, or he may transmit his message on the written or printed page, but he is none the less the minister of religion if such method has been adopted by him as the effective means of inculcating in the minds and hearts of men the principles of religion.

But to be a "regular minister" of religion he must have dedicated himself to his task to the extent that his time and energies are devoted to it to the substantial exclusion of other activities and interests. He cannot "serve God and mammon" and lay claim to a status as a "regular minister." To be a "regular minister" of religion the translation of religious principles into the lives of his fellows must be the dominating factor in his own life, and must have that continuity of purpose



(General Lewis B. Hershey, Director, Selective Service System, *Selective Service in Wartime* (Second Report of the Director of Selective Service 1941-42), pp. 239-241, Washington, Government Printing Office, 1943.)

VI. EXCERPTS FROM HOUSE AND SENATE REPORTS

[illegible]

Excerpt from House Report No. 1861, Report from the Committee on [illegible] to Accompany H. R. 4961

* * *

Subsection (h) of this section exempts the ministers of religion and theological students from liability. This exemption is intended to include all brothers who have taken religious vows to dedicate their lives to the service of God.

* * *

(Report No. 1861, House of Representatives, 80th Congress, 2d Session, May 7, 1948, pp. 10-11.)

Excerpt from Senate Report No. 1268, Report from the Committee on Armed Services to Accompany S. 4164

* * *

(g) *Deferment of ministers and ministerial students.*—Regular or duly ordained ministers of religion, and certain theological and pretheological students, are exempt from induction but not registration. This subsection permits the 1940 act, except as regards pretheological students, who were not covered in the original statute. Serious difficulties arose in the administration and enforcement of the 1940 act because of the claims by members of one particular faith that all of its members were ministers of religion. A minority of the Supreme Court thought that Congress intended to grant an exemption broad enough to include this group. (See the dissenting opinions in *Cox v. United States*, 332 U. S. 442, 456, 457.) In order that there may be no misunderstanding of the fact that the exemption granted is a narrow one, intended for the leaders of the various religious faiths and not for the members generally, the terms "regular or duly ordained ministers of religion" have been defined in section 16 (g). The definition is that which was contained in the 1917 Selective Service Regulations and

which was necessarily administered without the problems which arose under the 1940 act.

* * *

(House Report No. 1098, 80th Congress, 2d Session, May 13, 1948, p. 21.)

* * *

Excerpt from House Report No. 2483, Report from the Committee on Armed Services to accompany S. 2655

The Senate bill provides for the exemption from training and service of regularly ordained ministers of religion and of theological students. The House amendment [illegible] exemption to include Christian Science [illegible] and those persons who have [illegible] the duties of their church, congregation, or religious group as their definite and acknowledged vocation or profession and full-time religious work.

The conference [illegible] adopts the provisions of the Senate bill with respect to exemption of ministers and theological and preliminary students, for the reason that it was felt that to include any specific sect or religion by name in this provision would logically compel the inclusion of many others or, by interpretation, indicate that other such sects would be excluded were the original House provisions accepted.

* * * *

(Report No. 2438, Conference Report on Selective Service Act of 1948 (to accompany S. 2655), 80th Congress, 2d Session, June 19, 1948, p. 48.)

VII. AUTHORITATIVE RELIGIOUS WRITINGS SHOWING HISTORICAL PRECEDENT FOR PREACHING UPON THE STREETS AND FROM HOUSE TO HOUSE. NO DIVISION INTO CLERGY AND LAITY AND ORDINATION BY BAPTISM.

Edwin Hatch Byington, in his treatise, *Open-Air Preaching*, Hartford, Connecticut, Hartford Theological Seminary, 1892, gives a complete history of street and park preaching in Europe, Britain, and the United States. He says: "Open-air preaching is not one of the 'new methods'. It was the original way of extending among men the revealed will of God. Not only is it 'as old as preaching itself' but for centuries it was the only kind of preaching. 'We are at full liberty to believe,' says Spurgeon, 'that Enoch, the seventh from Adam, when he prophesied, asked for no better pulpit than the hillside, and that Noah as a preacher of righteousness was willing to reason with his contemporaries in the shipyard.'" (P. 9)

"Open-air preaching certainly has played a prominent part in the extension of the Church. It is the easiest and most effective way of pushing Christianity into new territory. Without it missionary work would be crippled, and all advance would be slow and uncertain. It ever has been the speediest method of reaching those outside the influence of the Church." (P. 25)

The seventh Episcopal Bishop of New York, Henry C. Potter, in his book *Sermons of the City*, New York, E. P. Dutton and Company, 1881, shows that it was a common and customary thing to preach on the streets. He states in his book about the preaching methods of Christianity: "The new religion turned its footsteps to the market-place (p. 4) . . . it is thus that the religion of Christ has worked from the beginning. If it has triumphed anywhere, or at all, it has triumphed because it has made its appeal to the individual soul in the street, in the home, in the market-place,

wherever it could find it—pressing upon it an individual message." (P. 7)

Hastings, *Encyclopedia of Religion and Ethics*, Vol. VIII, p. 674, points out that the basic ministry of the early church was divided into a local and an itinerant ministry. Under the title "Ministry" it is said: "It is otherwise with 'evangelists'. These are mentioned in Acts 21:5 (Philip), Ephesians 4:11, 2 Timothy 4:5. This name would seem to be that given to those who, though not apostles, because they had not the qualifications stated above [viz. having been with Christ], yet were itinerant officials and not of the local ministry. Eusebius gives the name to those who 'occupied the first place among the successors of the apostles' and were itinerant preachers of the gospel. He says that, then they had only laid the foundations of the faith in foreign places, they appointed others as pastors, then went on to other countries and nations. A few lines later he talks of 'pastors or evangelists' and seems to mean by the former the local, by the latter the itinerant, ministry.

"The function of the itinerant ministry was evangelistic (1 Tim. 2:7, 8). The itinerants might settle for a time at a place, as Timothy settled at Ephesus, Titus in Crete, and St. Paul himself at various places where he founded churches; but this was not their normal work."

"The church has always been more successful in winning kingdoms for her Christ, when she has adopted just this lay preaching method . . . The whole church a royal priesthood and so the whole church a preaching church that is the New Testament ideal."—Hoyt, *Lay Preaching* (Secretary's Annual Report), p. 21, New York, American Baptist Publication Society, 1869.

"Although made the special work of certain representative disciples, it is, in fact, enjoined upon the Church as a whole, and upon its members in particular, 'as of the ability which God giveth' (1 Pet. 4:10, 11) . . . From these scriptural examples it is just to infer that lay preaching, in the various forms of teaching evangelizing and prophe-

saying, had from the first a double object: 1, to do good to all men; and 2, to develop and prove the gifts of those who from time to time were called from the ranks of the laity to the more public ministry of the Word. Such, doubtless, continued to be the practice of the Church during the early centuries, and it was only by degrees that it became modified under the hierarchial spirit which developed at a later period. . . . In the Reformed churches there was a general breaking away from the trammels of ecclesiasticism, together with an energy of purpose which did not scruple to employ any agencies at its command for the dissemination of truth. . . . The first formal and greatly effective organization of lay preaching as a system, and as a recognized branch of Church effort, took place under John Wesley at an early period of that great religious movement known as the revival of the 18th century."—McClintock and Strong, *Cyclopedia of Biblical, Theological and Ecclesiastical Literature*, Vol. V, pp. 296, 297, New York, Harper & Bros., 1880.

We read of the work of Wycliffe's ministers in the book *John Wyclif*, by Professor Lechler (London, Kegan Paul & Co. 1878) Vol. 1, p. 300: "It has long been known that Wyclif sent out itinerant preachers of the Gospel." Wycliffe as a renowned scholar attracted many sincere men of the time, trained them as preachers and sent them forth to proclaim the gospel.

"At the beginning of the movement, it was scarcely laid down as a principle, that no one was to accept a pastoral church . . . a priest without benefice, not being bound to a particular parish, and being free of the jurisdiction of sinful men, is left at liberty to preach the Gospel wherever he can be of use, and can also without hindrance flee from one city to another, according to Christ's instruction, in case he should be persecuted by the 'clergy of Anti-Christ'.

"Wyclif wrote: 'And as respects the fruits of preaching, it appears certain that a single unlearned preacher effects more, by the grace of God, for the edification of the Church

of Christ than many who have graduated in schools or colleges, because the former scatter the seed of the law of Christ more humbly and more abundantly both in deed and in word. . . . Wyclif shows with great emphasis that for a ministry in the Church the Divine call and commission are perfectly sufficient; there is an installation by God himself, although the bishop in such a case no imposition of hands, in accordance with his traditions."—*Id.*, p. 308.

"Thus they wandered from village to village, from town to town, and from county to county, without stop or rest, preaching, teaching, warning, wherever they could find willing hearers, sometimes in church or chapel; sometimes in the churchyard when they found the church itself closed; and sometimes in the public street or market place."—*Id.*, 310.

We read further in the *Life of John Wycliffe* by Robert Vaughan (London, Holdsworth and Vaughan, 1831), Vol. II, p. 163:

"The motives which render us curious to possess whatever may be known with respect to the character of Wycliffe's disciples, must impart a degree to interest to such particulars as may be ascertained concerning the persons to whom we have often referred under the name of 'poor priests', and of whom the reformer frequently writes in terms of high commendation. From the preamble to the persecuting law, so dishonestly obtained by Courtney in 1382, it appears that these laborious teachers were accustomed to journey from town to town, and from county to county; that, clothed in habits of peculiar simplicity, and without any license from the local ordinaries, it was their manner to preach their doctrine openly, not only in churches and church-yards, but also in the midst of markets and fairs, and, indeed, in all places where multitudes were convened. When cited by their ecclesiastical superiors to answer before them, on account of these disorders, they are described

as treating the authority claimed by such officers with contempt."

Open-air street and door to door preaching was not unknown in the period of the Reformation. It has also been carried by accepted and orthodox religious organizations as a proper method of preaching even into modern times. Edwin Hallock Byington's *Open-Air Preaching*, Hartford, Connecticut, Hartford Theological Seminary, 1892, gives the account of a typical public preacher, during the Reformation, at Worms (p. 33): " . . . taking his stand on a rudely constructed pulpit in a square thronged with an immense multitude [he] proclaimed the glad tidings with persuasive earnestness. If the authorities showed a disposition to interfere, the people dispersed in an instant, hastily carrying off their pulpit; but no sooner had the officers of authority passed by than they again erected their pulpit."

Martin Luther is reported having an audience of 25,000 at Zwickau's market place. John Huss spoke at the public places of congregation such as the market places, streets and commons. (*Id.*, pp. 33-40) Wesley was active as an open-air preacher and he preached in the parks and on the streets. He considered the world as his parish. (*Id.*, p. 71) Byington states (p. 32): "The value placed by Wiclif [1320-1384] himself on the work done by these open-air preachers is shown by what he wrote for their guidance and in their defense."

Facts of history pointed out by Byington show that during the Middle Ages, and especially during the Reformation throughout all of Europe, the missionaries preached by the roadside. (*Id.*, pp. 19-21) To counteract the effect of the public preaching of the Protestants, "Rome sent forth her own open-air preachers, who overcame their influence by opposing them before the people in the street and market-place, and by attacking, in the name of the Church, some of the evils denounced by Peter, Henry, Waldo and their followers . . . "—*Id.*, p. 29.

Byington continues (p. 30): "There was Robert, founder of the Cistercian order of monks, who received from Pope Urban II permission to preach everywhere. As he traveled from town to town and from province to province, he did not regard his permission as limited to Churches, and preached on the highways and in the forests."

Byington also calls attention to the historical fact that St. Francis of the Catholic Church began his missionary work preaching in the streets of Assisi, and that Norbert, founder (A. D. 1120) of the Premonstratensians began his work in a similar way. Further he states:

"Of St. Dominic it is said that he preached to whatever people he met . . . along the highway." (p. 30) "Whatever we may think of its accuracy, the following statement by a Roman Catholic writer is suggestive: 'He is not a very profound student of history who does not know that Christian society was saved from falling into Lutherism by Pope Gregory the 9th sending Dominican and Franciscan preachers to tramp around the cities and villages of Europe, with hearty encouragement, to preach wherever they could, and with his full permission to set up an altar and say mass out of doors, indoors, by the roadside, under the trees, in a word, anywhere, if by such means they could readily assemble a crowd of people and preach to them.'"

In the introduction to Byington's book by Mr. A. F. Schauffler this statement is made:

"Now if this matter of outdoor preaching were a new or an unscriptural thing, we might well pause and think it over very carefully before trying it. But since it is 'as old as the hills', and has abundant scriptural warrant, and the personal sanction of our Master, why under the sun should anyone pause for a moment? I fancy I see the Apostle Paul in a modern ministers' meeting . . . his remarks . . . 'I made a great mistake, and if I had my work to do over again I would not preach from the steps of the Tower of Antonia, or from Mars' Hill.' Perish the thought! I rather fancy he would utter some burning words about the lethargy of the

modern Church in not taking advantage of every opportunity to make known the Gospel of the blessed Lord. . . . in modern times street-preaching has been abundantly used of God for the salvation of men. . . . In London I have seen street-preaching time and again. . . . In New York this same method has been adopted. . . . This I do with all my heart . . . commend the practice to all who wish to obey their Master's injunctions, and 'go out into the highways and hedges and compel them to come in.'"—*Id.*, pp. 6, 7, Introduction.

During the last half of the 19th century street and park preaching in New York city was a common practice. See the report given by a leading street preacher in New York, Dr. John W. Kennion, to the Mayor of New York city. It is printed in pamphlet form, *Report of Four Years' Labor of Love and Deeds of Mercy*, Brooklyn, Eagle Job and Book Printing Department, 1880. He referred to open-air ministry as aggressive Christianity. Among other things he said in his report (p. 7):

"I had an interview with Mayor W[illiam]. Wickham, in October, 1876, received his permission, endorsed by the Police Superintendent Walling, to preach the Gospel on the streets of Manhattan Island."

"I have been engaged in lifting up Christ on the streets of our City . . . and during this time the public at large have almost unanimously conceded its necessity, utility and value as the mode best adapted to meet the requirements of the 'masses' who are without the glorious Gospel of Jesus Christ, and are not in circumstances to attend those places where the sound of salvation's trumpet is regularly heard. These street services reach that class of persons in the substrata of your community who are not approached or reached by any of our boards, associations, missionaries, ..."—*Id.*, p. 3 of Introduction.

In his report (p. 10) Dr. Kennion states that his street services, "are often attended by large numbers of persons

of all grades of society and of all denominations, including Protestants, Jews, Catholics, Rationalists, . . ."

He further states (p. 11):

"It is really surprising and gratifying to witness the avidity with which the multitude grasp at the hundreds of excellent 'seeds' in the line of wholesome tracts, generously furnished by the agents of the American Tract Society, regularly distributed before and after each service."

See also a 56-page pamphlet by Greville Ewing entitled "A Defence of Itinerant and Field-Preaching", Second Edition, which was published by George Gallie at Glasgow in 1802.

This is a print of a sermon given by Greville Ewing, a clergyman, on December 24, 1797, in Lady Glenorchy's Chapel in Edinburgh, Scotland. His sermon defended street and park preaching as necessary to meet the needs of the people. In it (p. 19) he stated that "the practice with regard to the preaching as described in our text, is not only warranted by ancient example but is in itself right and suitable, and ought still to be followed as highly expedient and necessary."

On page 33 of this pamphlet he states: "There is no faithful pastor of any denomination, whose hands will not be strengthened in the work of the Lord, by the preaching of the gospel in the streets and in the fields."

In the sermon he reviewed the history of street and park preaching beginning with the early prophets of the Bible and ending with the Protestant preaching in England and Scotland in the year 1797.

George Charles Smith, in the pamphlet *Preaching in the Open Air*, London, W. K. Wakefield, 1829, shows that the Baptist, Methodist, Presbyterian, Episcopal, and other churches, have from time immemorial employed street and park preaching. See pages 4, 9, 10, 12, 25-28.

The great Methodist revival led by John Wesley in the 18th century did much to alleviate evil conditions that then existed. Wesley's vigorous approach to gospel preaching

undoubtedly brought an understanding of the Bible and an appreciation of its principles to many who would not be reached by ordinary methods. In addition to his own immediate associates, Wesley organized a large body of preachers both local and itinerant. They preached outdoors, in private homes and wherever they could find audience.

Wesley's work is described in Blackburn's *History of the Christian Church* (Cranston & Stowe, New York, 1879) (p. 624): "The country was divided into circuits, in which the preachers itinerated, each for a given time. In 1765 there were twenty-six circuits in England, two in Wales, four in Scotland, and eight in Ireland, and there were nearly one hundred lay preachers. The numbers rapidly increased amid no small amount of persecution. Riots were not rare, and Wesley's life was often in peril.

"After Wesley's death, . . . their congregations soon became free churches. In law they were thenceforth a body of Dissenters, with its own constitution. Their ordained ministers were presbyters, and their bishops were superintendents, rather than prelates."

Calvin, another famous reformer, had to settle in Geneva to escape persecution in his native France. While there he translated the Bible and wrote numerous publications on theological subjects. These were distributed in France by evangelists who were sent out as itinerant preachers to organize the Huguenots.

Not only on the Protestant side of the Reformation controversy was this practice followed. The Jesuits used the same practice in their counter-reformation activities. "Its members were a sort of field-marshal, ready to be preachers, teachers, missionaries, traders, explorers or politicians. The order used any means to win, every method to rule, both nations and churches."—*History of the Christian Church*, Blackburn.

The *New English Dictionary* under the title "Clergy" says: "As a rendering of Gr. in 1 Pet. v. 3. 1641 Milton, ch. Govt. II. iii (1851) 164. The title of Clergy S. Peter gave

to all God's people, till Pope Higgens and the succeeding Prointes took it from them. 1643 Burroughs Exp. Hosea i (1652) 159. You shall find in Scripture the people are called clergy in distinction from the ministers and never the ministers from the people. 1736 Chandler Hist. Persec. 466. The words clergy and church are never once used in Scripture to denote the Bishops or other officers, but the Christian people."

The idea of a division in the church between a clergy and laity instead of a brotherhood, is foreign to primitive Christianity. All were brothers together in the universal priesthood. Those of exceptional ability or scholarship became the 'overseers' among the brothers but were not considered to be in a special order.

Dr. Charles Hase, celebrated German historian in his book *History of the Christian Church* (Appleton & Co., New York, 1850 [translation]) says (p. 38): "The separate existence of the Christian Church was effected quite as much by the daily religious assemblies of the disciples at Jerusalem, as by their partial exclusion from the synagogues. The Twelve Apostles at first regarded themselves as a perfected or exclusive College for the establishment of Christianity in the world. They had been the special companions of the Lord and were now the principal vouchers for the evangelical traditions. They therefore exercised an undisputed authority over the Church, shared however in a short time with others, who became distinguished for their spiritual gifts as apostles and founders of churches. Next to them in rank were the *Evangelists*, a class of travelling preachers, sometimes also called, in the more extensive sense of the term, apostles . . . Elders were appointed to preside and preserve order in the church and Deacons to take charge of the poor, and to assist in every way for the common good. The Elders were sometimes called by the unassuming name of *Overseers*, an appellation more consonant with Grecian customs, and first adopted in Grecian congregations . . . everything like a hierarchy was ex-

cluded by the universal acknowledgment that *all believers were members of a general priesthood.*"

The concept of a clerical or set apart order among the Christian preaching church was unknown at the early stages. Nor is it authorized by the instructions of Jesus or the apostles. While this practice has become common at the present time, it cannot therefore be argued that someone who follows the Christian concept as set out in the Bible instead of the man-made practices of later eras must therefore be deprived of all rights and protection under the law.

Hierarchical offices in the church such as those of a bishop are refinements of later periods and are not based on the Bible. At first the same persons were described as both bishops and "presbyters." In Kurtz' *Church History* (Smith, English & Co. Philadelphia, 1876) we read (p. 67): "To aid them in their work, or to supply their places in their absence (Acts 14: 23), the apostles ordained rulers in every church, who bore the common name of Elders from their dignity, and of Bishops from the nature of their office. That originally *presbuteroi* [Elders] were the same as the *episkopoi* [Bishops] we gather with absolute certainty from the statements of the New Testament and of Clement of Rome, a disciple of the apostles."

Compare the King James Version of the Bible, 1 Timothy 3: 1, 2: "If a man desire the office of a bishop, he desireth a good work. A bishop must be blameless, the husband of one wife," with Rotherham's rendering of the same passage: "If anyone for oversight [Gr. episcope] is eager, a noble work doth he covet: It is needful then for the overseer [Gr. episkopos] to be irreproachable."

Mosheim's *Ecclesiastical History*, Vol. I, p. 101, tells us: "The rulers of the church were called either presbyters, or bishops, which two titles are, in the New Testament, undoubtedly applied to the same order of men . . . [105] A bishop, during the first and second century, was a person who had the care of one Christian assembly, which, at that time, was, generally speaking, small enough to be contained

in a private house. In this assembly he acted not so much with the authority of a master, as with the zeal and diligence of a faithful servant."

When Paul wrote to the congregation at Philippi he addressed to the one congregation several bishops, demonstrating that not one, alone, fulfilled this function in the congregation. "Paul, to all the saints in Christ Jesus which are at Philippi, with the bishops and deacons."—Phil. 1:1.

The Encyclopedia Americana (1842 ed., Vol. 10, p. 779) defines ordination as "The ceremony by which priests, deacons, archdeacons, candidates for the sacred orders and ministers of any denomination are admitted to their specific office in the church."—See also the Encyclopedia Britannica (11th ed., Vol. 19, p. 827, et seq.).

The Cyclopedia of Biblical, Theological and Ecclesiastical Literature, Vol. VII, p. 413 (McClintock and Strong, 1877, Harper & Brothers, New York) defines ordination as "the ceremony by which an individual is set apart to an order or office of the Christian ministry. . . . In a broader, and in fact its only important sense, . . . the appointment or designation of a person to a ministerial office, whether with or without attendant ceremonies. The term ordination is derived directly from the Latin *ordinatio*, signifying, with reference to things or affairs, a setting in order, an establishment, an edict, and with reference to men, an appointment to office. . . . A scriptural investigation of this subject can hardly fail to impress any ingenuous mind with the great significance of the fact that neither the Lord Jesus Christ nor any of his disciples gave specific commands or declaration in reference to ordination."

The system of ordination, according to the doctrine of apostolic succession, was practiced by the Roman Catholic Hierarchy from about the tenth century. It was fully restated by the Council of Trent as well as in the formularies of the Roman pontifical, the characteristics of which are: (1) that clerical orders constitute a sacrament; (2) that seven clerical orders (exclusive of seven grades of bishops,

of which the pope is supreme) are those of priest, deacon, subdeacon, acolyth, exorcist, reader, and porter; (2) that bishops only are competent to confer ordination; (3) that the effect of ordination is to imprint on the recipient an indelible mark; (4) that the priest has authority to offer sacrifice for living and dead. In passing, it must be noticed that the Roman Catholic Hierarchy ordains its ministers several times. An individual is ordained when he becomes a priest and each time he is elevated to a higher office, such as bishop, archbishop and cardinal.—*Op. cit.*; see *Encyclopedia Americana*, 1942 ed., Vol. 3, p. 70; *The Catholic Encyclopedia* (1911, Robert Appleton Company, New York) Vol. II, p. 373, et seq.

The above stated theory of ordination and universal [illegible] throughout "Christendom" from the sixth to the sixteenth century. A prominent factor of the Reformation was a violent reaction against the dogmas and abuses of the Roman Catholic system of ordination. Without exception Protestants rejected the "five sacraments" of the Roman Catholic Church as fictitious. Almost all such churches farmed these ordination ceremonies during the Reformation and fell back on the Scriptural precedent as their sole guide for modes of appointing and ordaining ministers. McClintock and Strong, *Cyclopedia of Biblical, Theological and Ecclesiastical Literature*, Vol VII, p. 417: "A partial exception has to be stated in reference to the Church of England, which retained a portion of the Roman ritual of ordination."

Among the Independents and Baptists the power of ordination is considered to adhere to any given congregation of believers. The qualifications of a candidate are first ascertained and he is approved by a church, called and accepted. The congregation proceeds to confer ordination upon him by prayer.—*Op. cit.*, p. 417.

Scholars who have studied the early history of the Christian church are unanimous in the decision that baptism was the sole rite which preceded priesthood. All bap-

tized believers were authorized to preach. Baptism was the sole initiatory rite.

In this connection the famous German theologian, Martin Luther, is cited. In the book *The Age of the Reformation*, by Professor P. Smith (London, Cape, 1920), it says (p. 71):

"Luther demolishes these walls with words of vast import. First, he denies any distinction between the spiritual and temporal estates. Every baptised Christian, he asserts, is a priest, and in this saying he struck a mortal blow at the great hierarchy of privilege and theocratic tyranny built up by the Middle Ages."

Other students of ecclesiastical history confirm this view.

"Those who had not been received into the early church were treated as learners or as those in a different position to the believers. There reigned among the members of the Christian church, however distinguished they were by worldly rank and titles, not only an amiable harmony, but also a perfect equality . . . Whoever acknowledged Christ as the Saviour of Mankind, and made a solemn profession of his confidence in him, was immediately baptised and received into the church. But, in process of time, it was thought prudent and necessary to divide Christians into two orders, distinguished by the names of believers and *catechumens*. The former were those, who had been solemnly admitted into the church by baptism, and, in consequence thereof, were instructed in all the mysteries of religion." —Mosheim, *Ecclesiastical History*, Vol. 1, p. 100.

Dr. Hase discusses the form of service and admission that was employed: " . . . everything like a hierarchy was excluded by the universal acknowledgment that all believers were members of a general priesthood." (p. 38) The devotional exercises of the Christian assemblies, like those of the Jewish synagogues consisted principally of prayers, singing of hymns, and sacred discourses, founded upon portions of the Old Testament. Apostolic epistles were read in the congregation to which they had been originally di-

rested, but after a single reading they were generally laid aside. Everyone who had the power and the inclination to speak in public was allowed to do so with freedom. Baptism as an initiatory rite was performed simply in the name of Jesus."—*History of the Christian Church* (Appleton & Co., New York, 1856), pp. 40-41.

Within this group of believers, each of which was admitted to the "royal priesthood", there had to be order. To this end overseers were appointed. Kurtz' *Church History* (Philadelphia, Smith, English & Co., 1870), p. 96: "... every Christian was allowed to teach and to exhort in the Church. But from the commencement regularly appointed officials were set apart, in order that this process of contributing to the edification of the Church, on the part of all its members, might not degenerate into arbitrariness, presumption, and anarchy, and that, amidst the changes of time, the government and edification of the Church might continue uninterrupted."

This is the mode of the church organization followed in this day by Jehovah's Witnesses. The officers in the congregation, who are known as 'servants' are the regular ministers who control the body of Christians. Believers are received into the body after a period of training and education in the Bible. During this period they are similar to the *catechumens* as the students or persons of good will were known at the time of the early church.

The proper position of the minister as a servant is shown by the definition in Robinson's *Theological Dictionary* (4th ed., London, Whittaker & Co., 1815, p. 687: "Minister, one who attends, or waits on another . . . Ministers were servants, yet servants, not menial, but honourable. Those who dispense, the word, and conduct the service of God; those who dispense the laws; and promote the welfare of the community; the holy angels, who, in obedience to the Divine commands, protect, preserve, succour, and benefit the godly; are all ministers, beneficial ministers to those under their charge."

This is precisely the position assigned by Jehovah's Witnesses to their ministers. As Jesus said: "And whosoever will be chief among you, let him be your servant." —Matthew 20:27.

The manner in which some were invested with special office has been described by L. Pullan in his book *The Church of The Fathers*. (London, Rivington's, 1913), p. 32: "The organization of the ministry at this period has been the subject of much dispute in modern times. But there is every reason to believe that it kept closely to the lines which are discernible in the later epistles of Saint Paul. It was assumed that a ministerial office rests on a divine commission. A candidate for the ministry was required to have not only an inward certainty of a call from God. He must be examined, witness about him was procured, and the office was conferred upon him by some person or persons who had the power to do this act."